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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/939,798

08/28/2001

Arthur I. Laursen

2013.0060000

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04/19/2005

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EXAMINER

HAN, CLEMENCE S

ART UNIT

PAPER NUMBER

2665

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. **09/939,798**

Applicant(s)

LAURSEN ET AL.

Examiner

Clemence Han

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 9-22 is/are rejected.
- 7) ☒ Claim(s) 5-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date see note below.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

IDS: 11/22/04, 3/17/03, 8/1/02

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 5-9 are objected to because of the following informalities: In claim 5, the control header includes an address to a link between the network interface controller and the audio source through a cell switch. In claim 7, the control header has the address of a link between the audio source through the cell switch to a network interface controller coupled to the telephone. If the applicant means the same control header in both claims, it would be better to use same expressions for both claims. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 9 recites the limitation "said sending the stored internal packet step" in line 4. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claim 1-4 and 10-18 are rejected under 35 U.S.C. 102(a) as being anticipated by Jimenez et al. (WO 01/52503 A2).

Regarding to claim 1, Jimenez teaches a method for providing a user of a telephone with direct access to web audio content over a network, comprising: dialing a media server (Page 4 Line 19); accepting a call at the media server based on said dialing step (Page 8 Line 9-11); prompting the user for web content identifier information (Page 9 Line 1-3, Page 16 Line 13-14); and establishing an internal connection between a network interface controller and an audio source, whereby the audio source can deliver the web audio content corresponding to the web content identifier information to the telephone in the accepted call (Page 9 Line 4-10).

Regarding to claim 2, Jimenez teaches initiating a file transfer of the web audio content from a remote web server identified in the web content identifier information to the audio source (Page 9 Line 8-10).

Regarding to claim 3, Jimenez teaches buffering audio payloads containing audio data from the file transferred from the remote web server (Page 5 Line 19-21).

Regarding to claim 4, Jimenez teaches delivering the buffered audio data in an audio stream to the telephone (Page 13 Line 3-8).

Regarding to claim 10, Jimenez teaches a method for providing a user of a telephone with direct access to web audio content over a network, comprising: establishing a first audio channel through a switch between a network interface controller and an audio source in a connection phase coupling a media server and a telephone (Page 4 Line 19, Page 8 Line 9-11); and establishing a second audio channel through a switch between the audio source and a network interface controller in an audio transport phase that transports web audio content directly from a remote web server to the audio source on the second audio channel and then from the audio source to the user of the telephone on the first audio channel (Page 9 Line 4-10).

Regarding to claim 11, Jimenez teaches processing an audio stream in the web audio content transported in the audio transport phase prior to transporting the audio stream from the audio source to the user of the telephone (Page 17 Line 20 – Page 18 Line 5).

Regarding to claim 12, Jimenez teaches said processing includes at least one of the following steps: inserting additional audio into the audio stream, converting the audio stream from one format to another format, mixing audio into the audio stream, filtering the audio stream, enhancing audio in the audio stream, and modifying audio in the audio stream (Page 17 Line 20 – Page 18 Line 5).

Regarding to claim 13, Jimenez teaches a system for providing a user of a telephone with direct access to web audio content over a network, comprising: means for dialing a media server (Page 4 Line 19); means for accepting a call at the media server initiated by said dialing means (Page 8 Line 9-11); means for prompting the user for web content identifier information (Page 9 Line 1-3, Page 16 Line 13-14); and means for establishing an internal connection between a network interface controller and an audio source, whereby the audio source can deliver the web audio content corresponding to the web content identifier information to the telephone in the accepted call (Page 9 Line 4-10).

Regarding to claim 14, Jimenez teaches means for initiating a file transfer of the web audio content from a remote web server identified in the web content identifier information to the audio source (Page 9 Line 8-10).

Regarding to claim 15, Jimenez teaches means for buffering audio payloads containing audio data from the file transferred from the remote web server (Page 5 Line 19-21).

Regarding to claim 16, Jimenez teaches means for delivering the buffered audio data in an audio stream to the telephone (Page 13 Line 3-8).

Regarding to claim 17, Jimenez teaches a system for providing a user of a telephone with direct access to web audio content over a network, comprising: means for establishing a first audio channel through a switch between a network interface controller and an audio source in a connection phase coupling a media server and a telephone (Page 4 Line 19, Page 8 Line 9-11); and means for establishing a second audio channel through a switch between the audio source and a network interface controller in an audio transport phase that transports web audio content directly from a remote web server to the audio source on the second audio channel and then from the audio source to the user of the telephone on the first audio channel (Page 9 Line 4-10).

Regarding to claim 18, Jimenez teaches a direct access system, comprising: a direct access controller 120; a network interface controller 120; an audio source 128; and a switch 136; wherein said switch is coupled between said network interface controller and said audio source, and wherein said direct access controller



establishes a first audio channel through said switch between said network interface controller and said audio source in a connection phase coupling a media server and a telephone (Page 4 Line 19, Page 8 Line 9-11) and establishes a second audio channel through said switch between said audio source and said network interface controller in an audio transport phase that transports web audio content directly from a remote web server to the audio source on the second audio channel and then from the audio source to the user of the telephone on the first audio channel (Page 9 Line 4-10).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jimenez et al. in view of O'Neil et al. (US 6,404,745).

Regarding to claim 19, Jimenez teaches a direct access system, comprising: a direct access controller 120; a network interface controller 120; an audio source 128; and a switch 136; wherein said switch is coupled between said network interface controller and said audio source, and wherein said direct access controller

establishes a first audio channel through said switch between said network interface controller and said audio source in a connection phase coupling a media server and a telephone (Page 4 Line 19, Page 8 Line 9-11) and establishes a second audio channel through said switch between said audio source and said network interface controller in an audio transport phase that transports web audio content directly from a remote web server to the audio source on the second audio channel and then from the audio source to the user of the telephone on the first audio channel (Page 9 Line 4-10). Jimenez teaches transporting audio content. Jimenez, however, does not teach transporting video content. O'Neil teaches transporting video content (Column 3 Line 15-23). It would have been obvious to one skilled in the art to modify Jimenez to transport video content also as taught by O'Neil in order to be used with visual telephone system (Column 1 Line 43).

Regarding to claim 20, Jimenez teaches a method for providing a user of a telephone with direct access to web audio content over a network, comprising: establishing a first audio channel through a switch between a network interface controller and an audio source in a connection phase coupling a media server and a telephone (Page 4 Line 19, Page 8 Line 9-11); and establishing a second audio channel through a switch between the audio source and a network interface controller in an audio transport phase that transports web audio content directly

from a remote web server to the audio source on the second audio channel and then from the audio source to the user of the telephone on the first audio channel (Page 9 Line 4-10). Jimenez teaches transporting audio content. Jimenez, however, does not teach transporting video content. O'Neil teaches transporting video content (Column 3 Line15-23). It would have been obvious to one skilled in the art to modify Jimenez to transport video content also as taught by O'Neil in order to be used with visual telephone system (Column 1 Line 43).

Regarding to claim 21, Jimenez teaches processing an audio stream in the web audio content transported in the audio transport phase prior to transporting the audio stream from the audio source to the user of the telephone (Page 17 Line 20 – Page 18 Line 5). Jimenez teaches transporting audio content. Jimenez, however, does not teach transporting video content. O'Neil teaches transporting video content (Column 3 Line15-23). It would have been obvious to one skilled in the art to modify Jimenez to transport video content also as taught by O'Neil in order to be used with visual telephone system (Column 1 Line 43).

Regarding to claim 22, Jimenez teaches said processing includes at least one of the following steps: inserting additional audio into the audio stream, converting the audio stream from one format to another format, mixing audio into the audio stream, filtering the audio stream, enhancing audio in the audio stream, and

modifying audio in the audio stream (Page 17 Line 20 – Page 18 Line 5). Jimenez teaches transporting audio content. Jimenez, however, does not teach transporting video content. O'Neil teaches transporting video content (Column 3 Line 15-23). It would have been obvious to one skilled in the art to modify Jimenez to transport video content also as taught by O'Neil in order to be used with visual telephone system (Column 1 Line 43).

***Allowable Subject Matter***

9. Claim 5-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claim 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to the invention in general.

U.S. Patent 5,915,001 to Uppaluru

U.S. Patent 6,133,940 to Noonan et al.

U.S. Patent 6,587,822 to Brown et al.

U.S. Patent 6,718,015 to Berstis

U.S. Patent 6,721,705 to Kurganov et al.

U.S. Patent 6,771,743 to Butler et al.

U.S. Patent 6,775,358 to Breitenbach et al.

U.S. Patent 6,823,370 to Kredo et al.

U.S. Pub. 2001/0012350 to Ehlinger

U.S. Pub. 2002/0124100 to Adams

U.S. Pub. 2002/0164000 to Cohen et al.

U.S. Pub. 2003/0035519 to Warmus

U.S. Pub. 2004/0028195 to Leyden et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clemence Han whose telephone number is (571) 272-3158. The examiner can normally be reached on Monday-Thursday 7 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*C. H.*  
Clemence Han  
Examiner  
Art Unit 2665



STEVEN NGUYEN  
PRIMARY EXAMINER